



AT 1642 IFW

BEFORE THE BOARD OF APPEALS AND INTERFERENCES
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Raulet et al.

Serial No. 09/871,491

Filed: May 31, 2001

For: *Tumor Therapy*

Group Art Unit: 1642

Examiner: Harris, Alana M.

Attorney Docket No. B01-088

CERTIFICATE OF MAILING

I hereby certify that this corr. is being deposited with the US Postal Service as First Class Mail in an envelope addressed to the Comm. for Patents, PO Box 1450, Alexandria, VA 22313-1450 on June 3, 2004.

Signed

Richard Osman

BRIEF ON APPEAL

The Honorable Board of Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Board:

This is an appeal from the Feb 24, 2004 final rejection of claims 39, 45, 51 and 53. As a matter of context, this is the *fourth, consecutive action on the merits* in this application.

REAL PARTY IN INTEREST

The real parties in interest are The Regents of the University of California, and Innate Pharma Inc., the assignee and licensee, respectively, of this invention.

RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

STATUS OF THE CLAIMS

Claims 39, 45, 51, and 53 are pending and subject to this appeal.

98/19167 proposes using MICA- and MICB-binding agents to target cancer cells. However, the very prevalence of these ligands on highly tumorigenic cells suggested that their presence is insufficient to provoke a host rejection of the tumor (Specification, p.1, lines 22-30), which teaches away from the presently claimed invention, wherein multivalent NKG2D ligands have been shown to provide immunotherapeutic agents to inhibit tumor growth in situ.

Appellants respectfully request reversal of this rejection. We petition for and authorize charging our Deposit Account No.19-0750 all necessary extensions of time. The Commissioner is authorized to charge any fees or credit any overcharges relating to this communication to our Dep. Acct. No.19-0750 (B01-088-1).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP



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